

ordered, that the said Basil D. Mullikin be and he is hereby displaced, and Thomas S. Alexander is hereby appointed trustee in his stead with the same authority and subject to the same responsibility; provided that before he acts as such he shall give bond in the penalty of twenty thousand dollars as required by the said decree.

The trustee Alexander gave bond as required; on the 26th of March, 1828, Basil D. Mullikin filed a full answer; on the 24th of September, following the case, by order, was referred to the auditor; and on the 20th of December Baruch Mullikin filed his answer in obedience to this last order.

On the 5th of May, 1828, the trustee Alexander filed a representation, stating, that the land reported to have been sold to Benjamin H. Mullikin was in fact purchased by him for the use of Nicholas Woodward, who had intermarried with the heiress Margaret, who had died after the confirmation of the auditor's report, by reason whereof the right to demand and receive her share had survived to her husband Nicholas; that a considerable amount of the purchase money was yet unpaid, which Nicholas admitted. No cause was shewn by Benjamin H. Mullikin.

And on the same 5th of May this trustee filed another representation, stating, that much of the proceeds of sale had been misapplied by the former trustee Basil D. Mullikin and was likely to be lost by his misconduct, and also by the misconduct of some of the other heirs, who were his sureties, or who were purchasers or the sureties of purchasers.

BLAND, C., 7th May, 1828.—The representations of the trustee, Thomas S. Alexander, having been submitted, the proceedings were read and considered.

**541** \*It appears, that much of the purchase money for which the real estate was sold is likely to be lost, by reason of the misconduct or negligence of some of those to whom proportions of it have been directed to be paid by the order of the 15th of February, 1825. That order was certainly founded upon the presumption that no part of the purchase money had been or would be lost by the misconduct of any of the persons among whom it was to be distributed. It is very clear, that no one of these distributees can be allowed to receive any portion of the share awarded to him until all sums, that ought to have been paid by him, and for which he is in any way liable, have been satisfied. And I hold it to be no less clear, that every assignee of a distributee must take subject to all equities to which such distributee was in any manner liable.

Whereupon it is ordered, that the order of the 15th of February, 1825, in so far as it directs the payment of any money unto Basil